



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 26 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Terry Yager
Rapid Plating Company
1005 13th Avenue North
Sauk Rapids, Minnesota 56379

Re: Administrative Consent Order

Dear Mr. Yager:

Enclosed is an Administrative Consent Order which resolves Case Docket No. EPA-5-14-113(a)-MN-01.

Please direct any questions regarding this case to Padmavati Bending, Associate Regional Counsel, (312) 353-8917.

Sincerely,

A handwritten signature in black ink that reads "Brian Dickens for".

Brian Dickens, Chief
Minnesota/Ohio Air Enforcement and Compliance Assurance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

| | | |
|-------------------------------|---|--|
| In the Matter of: |) | EPA-5-14-113(a)-MN-01 |
| |) | |
| Rapid Plating Company |) | Proceeding Under Sections 113(a)(3) and |
| Sauk Rapids, Minnesota |) | 114(a)(1) of the Clean Air Act, 42 U.S.C. |
| |) | §§ 7413(a)(3) and 7414(a)(1) |

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Rapid Plating Company (Rapid Plating) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations for particular industrial sources that emit one or more of the hazardous air pollutants (HAPs) listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), in significant quantities.

3. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW, 40 C.F.R. § 63.11504 *et seq.* (Subpart WWWW) on July 1, 2008. *See 73 Fed. Reg. 37741.*

4. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

5. Pursuant to 40 C.F.R. § 63.11504(a), Subpart WWWW applies to the owner or operator of a plating and polishing facility that: 1) is an area source of HAP emissions; 2) uses

or has emissions of compounds of one or more plating and polishing metal HAPs; and 3) among other things, is engaged in non-chromium electroplating.

6. Subpart WWWWWW, at 40 C.F.R. § 63.11504(a)(2), defines an “area source of HAP emissions” as any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year (tpy) or more and any combination of HAPs at a rate of 25 tpy or more.

7. Subpart WWWWWW at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511 defines a “plating and polishing metal HAP” as any compound of cadmium, chromium, lead, manganese, and nickel, or any of these metals, other than lead, in the elemental form. Any material that does not contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), and does not contain manganese in amounts greater than or equal to 1.0 percent by weight (as the metal), as reported on the Material Safety Data Sheet for the material, is not considered to be a plating and polishing metal HAP.

8. Subpart WWWWWW at 40 C.F.R. § 63.11511 defines “electroless plating” as a non-electrolytic process that uses or emits any of the plating and polishing metal HAPs in which metallic ions in a plating bath or solution are reduced to form a metal coating at the surface of a catalytic substrate without the use of external electrical energy.

9. Subpart WWWWWW, at 40 C.F.R. § 63.11511, defines “electroplating” as an electrolytic process that uses or emits any of the plating and polishing metal HAP, in which metal ions in solution are reduced onto the surface of the work piece (the cathode) via an electrical current

10. Subpart WWWWWW, at 40 C.F.R. § 63.11511, defines “electropolishing” as an electrolytic process performed in a tank after plating that uses or emits any of the plating and

polishing metal HAP, as defined in this section, in which a work piece is attached to an anode immersed in a bath, and the metal substrate is dissolved electrolytically, thereby removing the surface contaminant; electropolishing is also called electrolytic polishing. Bench-scale operations are excluded under Subpart WWWWWW.

11. Pursuant to 40 C.F.R. § 63.11505(a), Subpart WWWWWW applies to each new or existing affected source as specified in 40 C.F.R. § 63.11505(a)(1) through (3).

12. An “affected source” under Subpart WWWWWW includes a tank that contains one or more of the plating and polishing metal HAPs and is used for, among other things, non-chromium electroplating, electroless plating and electropolishing. *See* 40 C.F.R. § 63.11505(a)(1).

13. Pursuant to 40 C.F.R. § 63.11506(a), existing affected sources must achieve compliance with Subpart WWWWWW by no later than July 1, 2010.

14. Subpart WWWWWW at 40 C.F.R. § 63.11507(a) requires the owner or operator of an affected new or existing non-cyanide electroplating or electropolishing tank that operates at a pH of less than 12 to (1) use a wetting agent/fume suppressant in the bath of the affected tank; (2) capture and exhaust emissions from the affected tank to a composite mesh pad, packed bed scrubber, or mesh pad mist eliminator; or (3) cover the tank surface.

15. Subpart WWWWWW at 40 C.F.R. § 63.11507(g) requires the owner or operator of an affected plating and polishing process unit to implement as practicable the applicable management practices set forth at 40 C.F.R. § 63.11507(g)(1) through (12):

- a. 40 C.F.R. § 63.11507(g)(1): minimize bath agitation when removing any parts processed in the tank, except when necessary to meet part quality requirements;

- b. 40 C.F.R. § 63.11507(g)(2): maximize the draining of bath solution back into the tank by extending drip time when removing parts from the tank; using drain boards; or withdrawing parts slowly from the tank;
- c. 40 C.F.R. § 63.11507(g)(3): optimize the design of barrels, racks, and parts to minimize dragout of bath solution (such as by using slotted barrels and tilted racks, or by designing parts with flow-through holes to allow the tank solution to drip back into the tank);
- d. 40 C.F.R. § 63.11507(g)(4): use tank covers, if already owned and available at the facility;
- e. 40 C.F.R. § 63.11507(g)(5): minimize or reduce heating of process tanks, as practicable (e.g., when doing so would not interrupt production or adversely affect part quality);
- f. 40 C.F.R. § 63.11507(g)(6): perform regular repair, maintenance, and preventative maintenance of racks, barrels, and other equipment associated with affected sources;
- g. 40 C.F.R. § 63.11507(g)(7): minimize bath contamination, such as through the prevention or quick recovery of dropped parts, use of distilled/de-ionized water, water filtration, pre-cleaning of parts to be plated, and thorough rinsing of pre-treated parts to be plated;
- h. 40 C.F.R. § 63.11507(g)(8): maintain quality control of chemicals, and chemical and other bath ingredient concentrations in the tanks;
- i. 40 C.F.R. § 63.11507(g)(9): perform general good housekeeping, such as regular sweeping and vacuuming, if needed, and periodic washdowns;
- j. 40 C.F.R. § 63.11507(g)(10): minimize spills and overflow of tanks;
- k. 40 C.F.R. § 63.11507(g)(11): use squeegee rolls in continuous or reel-to-reel plating tanks; and
- l. 40 C.F.R. § 63.11507(g)(12): perform regular inspections to identify leaks and other opportunities for pollution prevention.

16. Subpart WWWW at 40 C.F.R. § 63.11508(a) requires the owner or operator of an affected source to submit a Notification of Compliance Status in accordance with 40 C.F.R. § 63.11509(b).

17. Subpart WWWWWW at 40 C.F.R. § 63.11508(b) in part, requires the owner or operator of an affected source to be in compliance at all times with the applicable management practices in Subpart WWWWWW.

18. Subpart WWWWWW at 40 C.F.R. § 63.11508(c)(1) requires the owner or operator of an affected electroplating or electropolishing tank which uses a wetting agent/fume suppressant to comply with Subpart WWWWWW to demonstrate initial compliance according to paragraphs (c)(1)(i) through (iv):

- a. 40 C.F.R. § 63.11508(c)(1)(i): add wetting agent/fume suppressant to the bath of each affected tank according to manufacturer's specifications and instructions;
- b. 40 C.F.R. § 63.11508(c)(1)(ii): state in the Notification of Compliance Status that wetting agent/fume suppressant is added to the bath according to manufacturer's specifications and instructions;
- c. 40 C.F.R. § 63.11508(c)(1)(iii): implement the applicable management practices specified in §63.11507(g), as practicable; and,
- d. 40 C.F.R. § 63.11508(c)(1)(iv): state in the Notification of Compliance Status that the applicable management practices specified in §63.11507(g) have been implemented, as practicable.

19. Subpart WWWWWW at 40 C.F.R. § 63.11508(d) requires the owner or operator of an affected source to demonstrate continuous compliance with the applicable management practices specified in Subpart WWWWWW according to paragraphs (d)(1) through (8):

- a. 40 C.F.R. § 63.11508(d)(1): always operate and maintain your affected source, including air pollution control equipment;

- b. 40 C.F.R. § 63.11508(d)(2): prepare an annual compliance certification in accordance with the requirements of 40 C.F.R. § 63.11509(c);
- c. 40 C.F.R. § 63.11508(d)(3): for affected electroplating or electropolishing tanks that use a wetting agent/fume suppressant to comply with Subpart WWWW: (1) record that you have added the wetting agent/fume suppressant to the tank bath in the original make-up of the tank; (2) if the wetting agent/fume suppressant is a separate ingredient from the other tank additives, add wetting agent/fume suppressant in proportion to the other bath chemistry ingredients that are added to replenish the tank bath, as in the original make-up of the tank; or in proportion such that the bath is brought back to the original make-up of the tank and record each addition of wetting agent/fume suppressant to the tank bath; and (3) state in your annual compliance certification that you have added wetting agent/fume suppressant to the bath according to the manufacturer's specifications and instructions.
- d. 40 C.F.R. § 63.11508(d)(8): (1) implement the applicable management practices during all times that the affected source is in operation and (2) state in the annual compliance certification that the applicable management practices have been implemented, as practicable.

20. Subpart WWWW at 40 C.F.R. § 63.11509(a) requires the owner or operator of an affected source to submit an Initial Notification that includes the information specified in 40 C.F.R. § 63.9(b)(2)(i) through (iv) of the General Provisions of Part 63 and a description of the compliance method for each affected source.

21. Subpart WWWW at 40 C.F.R. § 63.11509(b) requires the owner or operator of an affected source to submit a Notification of Compliance Status in accordance with 40 C.F.R. § 63.11508(b)(1) through (3) that includes:

- a. 40 C.F.R. § 63.11508(b)(2)(i): a list of affected sources and the plating and polishing metal HAPs used in, or emitted by, those sources;
- b. 40 C.F.R. § 63.11508(b)(2)(ii): the methods used to comply with the applicable management practices and equipment standards;
- c. 40 C.F.R. § 63.11508(b)(2)(iii): a description of the capture and emission control systems used to comply with the applicable equipment standards; and,
- d. 40 C.F.R. § 63.11508(b)(2)(iv): a statement by the owner or operator of the affected source as to whether the source is in compliance with the applicable standards or other requirements.

22. Subpart WWWW at 40 C.F.R. § 63.11509(c) requires the owner or operator of an affected source to prepare an annual certification of compliance report in accordance with 40 C.F.R. § 63.11509(c)(1) through (7). The reports do not need to be submitted unless a deviation from the requirements of this subpart has occurred during the reporting year, in which case, the annual compliance report must be submitted along with the deviation report.

23. Subpart WWWW at 40 C.F.R. § 63.11509(c)(1) requires the owner or operator of an affected electroplating or electropolishing tank to state its annual compliance certification that wetting agent/fume suppressant has been added to the bath according to the manufacturer's specifications and instructions.

24. Subpart WWWW at 40 C.F.R. § 63.11509(c)(6) requires the owner or operator of an affected source to state in its annual compliance certification that it has implemented the applicable management practices, as practicable.

25. Subpart WWWW at 40 C.F.R. § 63.11509(c)(7) requires the owner or operator of an affected source to prepare each annual compliance report no later than January 31

of the year immediately following the reporting period, and that each annual compliance report must be kept in a readily-accessible location for inspector review. The owner or operator is not required to submit these reports unless a deviation from the requirements of the subpart has occurred during the reporting year, in which case, the annual compliance report must be submitted along with the deviation report, and postmarked no later than January 31 of the year immediately following the reporting period.

26. Subpart WWWWWW at 40 C.F.R. § 63.11509(e) requires the owner or operator of an affected source to keep: 1) a copy of the Initial Notification and Notification of Compliance Status that it submitted and all documentation supporting these notifications; 2) the records specified in 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv); and 3) the records required to show continuous compliance with each applicable management practice, as specified in 40 C.F.R. § 63.11508(d).

27. Subpart WWWWWW at 40 C.F.R. § 63.11509(f) requires the owner or operator of an affected source to keep each record for a minimum of 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

28. Pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

29. The Administrator of EPA may require any person who owns or operates an emission source to make and submit reports under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

30. Rapid Plating owns and operates a plating facility at 1005 13th Avenue North, Sauk Rapids, Minnesota (the Facility), where it conducts zinc plating, chrome plating, and nickel plating, including electrolytic and electroless nickel plating.

31. The Facility is a “plating and polishing facility,” as that term is defined at 40 C.F.R. § 63.11504(a)(2).

32. The Facility is an “area source of HAP emissions,” as that term is defined at 40 C.F.R. § 63.11504(a)(2).

33. Nickel is a “plating and polishing metal HAP,” as that term is defined at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.

34. The Facility uses or has emissions of compounds of one or more plating and polishing metal HAPs.

35. The Facility has two electrolytic nickel plating tanks, one electroless-nickel plating tank, and an electropolishing tank that are “affected sources” subject to Subpart WWWWWW, as that term is defined at 40 C.F.R. § 63.11505(a)(1).

36. Rapid Plating owns and operates an “emission source” within the meaning of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Rapid Plating is therefore subject to the requirements of Section 114(a)(1).

37. On March 20, 2013, EPA inspected the Facility for, among other things, compliance with Subpart WWWWWW.

38. As of the date of this Order, Rapid Plating has not submitted an Initial Notification or Notification of Compliance Status and has not kept any annual compliance reports pursuant to Subpart WWWWWW.

Compliance Program

39. By March 31, 2014, Rapid Plating must submit an Initial Notification to EPA in accordance with 40 C.F.R. § 63.11509(a) and keep a copy of the Initial Notification and all documents supporting it at the Facility.

40. By March 31, 2014, Rapid Plating must submit a Notification of Compliance Status to EPA in accordance with 40 C.F.R. §§ 63.11508(c)(1)(ii), 63.11508(c)(1)(iv), 63.11508(a) and 63.11509(b) and keep a copy of the Notification of Compliance Status and all documents supporting it at the Facility.

41. By January 31 of each year, Rapid Plating must prepare an annual certification of compliance report in accordance with 40 C.F.R. §§ 63.11508(d)(2), 63.11508(d)(3), 63.11508(d)(8) and 63.11509(c) and keep it in a readily-accessible location at the Facility. In compliance with 40 C.F.R. § 63.11508(d)(8)(ii), Rapid Plating must report in each annual certification of compliance report whether it has implemented the applicable management practices of 40 C.F.R. § 63.11507(g), as practicable.

42. By the effective date of this Order, in accordance with 40 C.F.R. § 63.11509(e), Rapid Plating shall begin keeping the records specified in 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv) and the records required to show continuous compliance with each applicable management practice, as specified in 40 C.F.R. § 63.11508(d).

43. By the effective date of this Order, in accordance with 40 C.F.R. § 63.11508(d), Rapid Plating shall be in compliance at all times with the requirements for the use of wetting agents/fume suppressants in 40 C.F.R. § 63.11507(a).

44. By August 30, 2014, Rapid Plating shall comply with the management practices in 40 C.F.R. § 63.11507(g) and submit a written report describing any changes that were made at the facility to comply with the management practice requirements of 40 C.F.R. § 63.11507(g).

45. By August 30, 2014, Rapid Plating shall achieve and maintain compliance with Subpart WWWWWW.

46. Rapid Plating must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

47. This Order does not affect Rapid Plating's responsibility to comply with other federal, state, and local laws.

48. This Order does not restrict EPA's authority to enforce Section 112 of the CAA, 42 U.S.C. § 7412, or any other section of the CAA.

49. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Rapid Plating's violations of Subpart WWWWWW.

50. Failure to comply with this Order may subject Rapid Plating to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

51. The terms of this Order are binding on Rapid Plating, its assignees, and successors. Rapid Plating must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

52. Rapid Plating waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Rapid Plating may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review of this Order under 42 U.S.C. § 7607(b)(1) or 5 U.S.C. §§ 702, 704.

53. Rapid Plating may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Rapid Plating fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

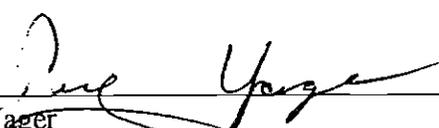
54. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in EPA's electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

55. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

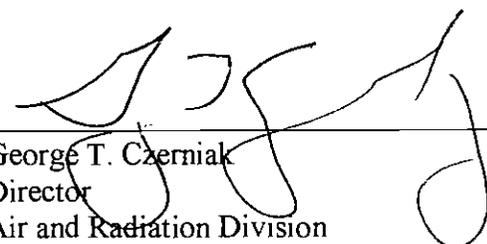
56. Rapid Plating agrees to the terms of this Order.

57. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Rapid Plating has complied with all terms of the Order throughout its duration.

11/20/13
Date


Terry Yager
Owner
Rapid Plating Company

12/26/13
Date


George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

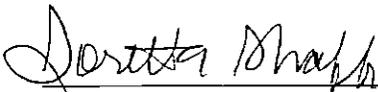
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-14-113(a)-MN-01, by certified mail, return receipt requested, to:

Terry Yager
Owner
Rapid Plating Company
1005 13th Avenue North
Sauk Rapids, Minnesota 56379

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-14-113(a)-MN-01, by first-class mail to:

Katie Koelfgen
Compliance and Enforcement Section
Industrial Division
Minnesota Pollution Control Authority
33 South Sixth Street, Suite 4200
Saint Paul, MN 55155-4194

on the 27th day of December, 2013.



Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5480